

COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ supplemental
- ☒ National Stage of PCT
- ☐ divisional (see added page)
- ☐ continuation (see added page)
- ☐ continuation-in-part (see added page)

INVENTORSHIP IDENTIFICATION

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTIONMETHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE LAYERS**SPECIFICATION IDENTIFICATION**

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☐ was filed on _____ as
☐ Serial No. _____ or
☐ Express Mail No. _____ as Serial No. (not yet known) and
was amended on _____ (if applicable).
- (c) ☒ was described and claimed in PCT International Application No. _____
PCT/AU2004/001768 filed on December 17, 2004 and
as amended under PCT Article 19 on _____ (if any).
- (d) ☐ amended on _____

POWER OF ATTORNEY

As a named inventor, I hereby appoint all of the practitioners associated with the **Customer Number 020210**, namely, Anthony G. M. Davis, Registration No. 27,868, Gary D. Clapp, Registration No. 29,055, Michael J. Bujold, Registration No. 32,018, Scott A. Daniels, Registration No. 42,462 and Jay S. Franklin, Registration No. 54,105, as attorneys and/or agents to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection therewith.

☐ Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Customer No. 020210
Davis & Bujold, P. L. L. C.
Fourth Floor
500 N. Commercial Street
Manchester, NH 03101-1151

Direct Telephone Calls to: (603) 624-9220

Direct Facsimiles to: (603) 624-9229

USA

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

PRIORITY CLAIM

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Australia	2003906985	December 18, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

☐ I/We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

DECLARATION

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Igor Lvovich SKRYABIN

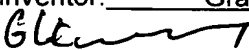
Inventor's signature: _____ Date: _____

Post Office Address: 76 Schlich Street, Yarralumla, ACT 2600, Australia

Residence: Same as above Country of Citizenship: Australia

USA

Full name of second joint inventor: Graeme Leslie EVANS

Inventor's signature:  Date: 25/7/06

Post Office Address: 8 Karney St., Kambah, ACT 2902, Australia

Residence: Same as above Country of Citizenship: Australia

USA

**IMPORTANT NOTICE RE
DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

(a) was ever known or used in the United States of America before his/her invention thereof;

(b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;

(c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or

(d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.

Practitioner's Docket No. GRIHAC P48AUS

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 8th ed. See also 62 Fed. Reg. 53,131, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Igor Lvovich Skryabin
nonsigning inventor who

☒ refuses to sign

☐ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

AUSTRALIA

Country of Citizenship of nonsigning inventor

76 Schlich Street, Yarralumla ACT 2600 AUSTRALIA
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s) or where the inventor(s) customarily receive(s) mail. A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. See M.P.E.P. § 409.03(e), 8th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) PETITION BY JOINT INVENTOR(S) FILING ON BEHALF OF OTHER JOINT INVENTOR(S) WHO REFUSE(S) TO JOIN IN APPLICATION OR CANNOT BE REACHED (37 CFR § 1.47(a))

Date

7/02/07

Graeme Leslie EVANS

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN and Graeme Leslie
EVANS
Serial no. : 10/583,121
Filed : with an effective filing date of December 17,
2004
For : METHOD FOR ELECTROLYTIC
ENGINEERING OF NANO-PARTICULATE
LAYERS
Docket : GRIHAC P48AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450


DECLARATION BY MICHAEL J. BUJOLD

Dear Sir:

Further to the Petition by the Joint Inventor(s) on Behalf of the Other Joint Inventor(s) and the accompanying Statement of Facts, please be advised that the undersigned forwarded a letter, on October 16, 2006, to inventor Igor Lvovich SKRYABIN ("Mr. Skryabin") which included a Declaration and Power of Attorney form along with a copy of the application papers--see enclosed copy of that letter. In response to my October 16, 2006 letter, I receive the attached November 1, 2006 email reply from Mr. Skryabin.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issuing thereon.

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018

March 19, 2007

MICHAEL J. BUJOLD
(ADMITTED IN NH & ME)

NEAL E. FRIEDMAN
(ADMITTED IN MA ONLY)

SCOTT DANIELS
(ADMITTED IN NH)

JAY S. FRANKLIN
(Agent)

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October 16, 2006

Dr. Igor Skryabin
76 Schlich Street
Yarralumla ACT 2600
AUSTRALIA

RE: Igor Lvovich SKRYABIN and Sylvia Medlyn TULLOCH
U.S. Patent Appln. No. 10/570,530
filed with an effective filing date of May 21, 2004
COMBINED PHOTOELECTROCHEMICAL CELL AND CAPACITOR
Our ref: GRIHAC P46AUS
Your ref: LWR:TJS:GAH:FP23432

Igo Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme
Leslie EVANS and Ben JAUSNIK
U.S. Patent Appln. No. 10/577,971
filed with an effective filing date of November 3, 2004
MULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE
Our ref: GRIHAC P47AUS
Your ref: FP23684

Igor Lvovich SKRYABIN and Graeme Leslie EVANS
U.S. Patent Appln. No. 10/583,121
filed with an effective filing date of December 17, 2004
METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE
LAYERS
Our ref: GRIHAC P48AUS
Your ref: LWR:JBW:FP23978

Dear Dr. Skryabin:

Thank you for your letter of October 4, 2006 concerning the above referenced matters. We note that you acknowledge you are one of the true and actual inventors of each of the above identified applications.


The purpose of this letter is to merely ask you to sign and date the enclosed Declaration and Power of Attorney forms so that our office may proceed with efficient prosecution of each of the above identified applications before the United States Patent and Trademark Office. As you are probably aware, the Declaration and Power of Attorney merely provides our office with power to prosecute these applications before the United States Patent and Trademark Office but does not, in any way, affect ownership of these applications. That is, unless and until the above identified

applications are assigned, ownership in and to those applications will remain in the name of the true and actual inventors.

In view of the above clarification, we ask that you please reconsider this matter. Assuming you are in agreement, we ask that you please review the enclosed application papers and, if acceptable, please sign, date and return the enclosed Declaration and Power of Attorney forms to our office for filing with the United States Patent and Trademark Office at an early date. A self address envelope is enclosed to facilitate return of the signed Declaration and Power of Attorney forms. Signing and returning the enclosed Declarations will prevent a potential loss of patent rights for each of this cases but will not, in any way, affect ownership of these patent applications.

If you or your Attorney has any questions concerning any of these matters, please contact our office.

Yours sincerely,
DAVIS & BUJOLD, P.L.L.C.



Michael J. Bujold

MJB:tac
Enclosures

cc: William Szekely (with enclosures)
Lorne Wood-Roe

1 November 2006

Your Ref: GRIHAC P46-47-48AUS

Michael J Bujold
Davis & Bujold, PLLC
112 Pleasant Street,
Concord, New Hampshire,
USA, 0331-2931
Fax: +1 603 226 7499

Dear Sir,

Re: US Patent Appln's Nos 10/570,530; 10/577,971 & 10/583,121

I refer to previous correspondence and notably my letters of 6-Sep-06 and 4 Oct 06, attachments to these letters and your reply of 16 October 06.

I have written to you previously to prevent misrepresentation of my position as regards any Applications to the USPTO, from arising. I again seek clarification regarding the patent applications concerned. To date I have not received any meaningful responses to the questions raised when such enquiry has been raised by me or my Australian solicitors with Griffith Hack who instruct you, or with Snedden Hall and Gallop, who act for Dyesol generally in the related matters. Instead Griffith Hack, acting for Dyesol, is trying to assert that it is entitled to 'assume' that I refused to sign any documents relating to any patent applications.

On 10-October-06, Lorne Wood-Roe of Griffith Hack in regards to my letter to you of 4 October 2006, stated:

"From the content of the attachments to your letter, there seems to have been an assumption made on your part that it is important to Dyesol that you sign the forms that I have sent to you in recent times. I think you may have overestimated the importance to Dyesol of you signing these forms. I think that could be why you are not receiving replies to some of the letters Bill Szekely has sent. It just is not that big an issue. It is only a formality."

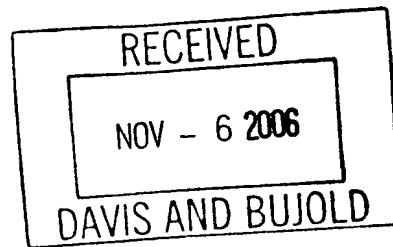
Although Griffith Hack representing Dyesol considers this matter as a non-important "formality", my understanding has at all times been in relation to patent law that in the US in particular, a declaration before the USPTO is **important and more than just a formality**.

Once again I confirm that before I can consider signing any declarations, the clarifications that I have been requesting should unequivocally be given to me. I refer to the letter from my solicitors, Szekely & Associates to Snedden Hall & Gallop of 25 Aug 06.

Consequently I state that it is clearly premature and inappropriate for any misrepresentations or self serving assumptions about what I have asked to be made in an endeavour to undermine the situation and further Dyesol's attempts (through Griffith Hack) to present the situation to you and the USPTO as if I simply refused to sign the forms. - it is clearly not the case!

Indeed it was Dyesol and STI that persistently refused to answer my questions, thus preventing me from signing these forms.

I agree with your explanations concerning ownership of the patents and, in particular, your statement that *"unless and until the above identified applications are assigned, ownership in and to those*



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fax sent by 01 2 0123 0013 0020 110 00 11 00 12 10 19 2

applications will remain in the name of the true and actual inventors". In July 2006 I notified Mr. Richard Caldwell, who is the chairman of Dyesol, that assignment of STI patents was not complete at all. I shall bring this again to his attention.

Your explanation is, however, in contradiction with the position taken by Dycsol as expressed by Griffith Hack and Snedden Hall & Gallop. In his letter of 29 Sep 06 Tal Williams who formerly acted for Dycsol writes:

"It is relevant to note that your client is not 'assigning' (per your offer) anything to my client. I accept the position put to you by Griffith Hack that your client does not have any rights in relation to the Patent except to be named as one of the inventors. He has been so included and simply needs to sign to enable registration".

It seems that, unfortunately, the full details of this were not communicated to you and you are not in possession of first hand knowledge related to these inventions..

I sincerely hope that the issues will be resolved in terms of the letter of 13 October 2006 sent by Szekely & Associates representing myself to Snedden Hall & Gallop(who represent Dyesol and who are in possession of full details regarding this matter).

At the same time, please ensure that you prevent any misrepresentation of my position to the USPTO having regard to the commercial and professional ramifications of such a misrepresentation. Any representations portraying my inquiries and concerns as refusal to cooperate are **incorrect** and will be vigorously agitated as such, if necessary to the USPTO.

As recently as 26 Oct 06, Lorne Wood-Roe once again wrote that Dyesol " *...will be using existing agreements... to record assignments*". **Dyesol disregards, however, my inquiries and avoids confirming the fundamental agreement and associated arrangements that were pre-requisites to the execution of the existing Deeds.**

In the absence of confirmation from Dyesol, any purported assignment documents that may be presented to you are clearly subject to doubt from the standpoint of the criteria necessary for the USPTO. For more details on this issue I refer to my letter to you of 6 September 06. I therefore take it that my correspondence with you (including this letter) will be communicated to the USPTO for inclusion in the files of the inventions concerned.

Thank you



Igor Skryabin

Dr Igor Skryabin
76 Schlich St
Yarralumla
ACT 2600
Australia

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